

**REMARKS**

The remarks provided below are in supplementation to the remarks submitted in Applicant's Response to Office Action In *Ex Parte Reexamination* and corresponding Amendment In *Ex Parte Reexamination* filed on 2 February 2009. Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests reconsideration of the claims in light of the following remarks.

**A. MPEP § 713.04 Interview Summary**

Applicant thanks the Examiners with appreciation for the 19 February 2009 interview. Examiner Woo Choi and Examiner Eric Kiesel, Examiner Albert Gagliardi, Vincent Frese, and the undersigned participated in the interview. The parties discussed the claims generally, the pcANYWHERE User Guide reference and the Paulos reference. No agreement was reached concerning allowable subject matter. Applicant's counsel discussed with the Examiners the differences between Applicant's claimed invention and the disclosure in the cited User Guide. Unlike the claimed invention, which enables a remote control module to be transmitted in response to a demand for remote control over an application, pcANYWHERE requires a procedure of *install, configure, and then demand* remote control.

The Examiner Choi stated in the Interview that it did not appear that the steps of Applicant's independent method claims 21, 26, 31, 36 and 41 were limited to execution by a computer. Examiner Choi contended that one or more of the steps could be implemented by a human operator and that claims did not preclude additional steps including installation of the remote control software carried out by a human operator, such as a computer network administrator. In particular, Examiner Choi contended that the claims were anticipated by the pcANYWHERE User Guide because they did not preclude a network administrator installing the remote control software in response to a request by a remote user between the steps recited in the method claims. Applicant understood from the conversation that claims directed to an automated or computer implemented process would likely be confirmed as patentable.

**B. Claims 18 and 21-45 are in Condition for Confirmation**

Applicant respectfully traverses the rejection of the independent method claims 18, 21, 26, 31, 36 and 41 on the basis that pcANYWHERE in combination with a human operator installing the program over a network anticipates Applicant's independent method claims.

Examiner Choi stated in the Interview that the pcANYWHERE software, aided by the help of a network administrator installing the program over a network, anticipates these claims. More particularly, Examiner Choi stated that a user could have made a request for remote control by sending an email to the network administrator, and in response to the request, the network administrator could then have installed pcANYWHERE on the user's computer over a network. Once pcANYWHERE was installed and configured on the user's computer, then the user could make requests for remote control of other computers.

Applicant respectfully submits that the claim language "without pre-installing remote control software at the first computer prior to receiving the remote control module" precludes the method claims from reading on a prior art procedure in which a network administrator installs the remote control software, such as pcANYWHERE, between the steps of the claim. In fact, Applicant's claimed invention overcomes the significant drawbacks in the prior art which required this intervention by a network administrator. The *Background* portion of Applicant's Specification describes that in prior art systems "the components necessary to support remote control must be installed on both computers prior to any attempt to control one of the computers remotely" and "[i]nstallation of the program to support remote control" requires "a technician of the service company who possesses the requisite knowledge." (Specification at col. 3, lines 36-43).

Applicant's claimed invention overcomes the drawbacks associated with Examiner Choi's hypothetical regarding installation of remote control software by a network administrator. Significantly, Applicant's claimed invention relies upon a "remote control module" which can enable the "first computer to remotely control the application at a second computer system without pre-installing remote control software." See, for

example, claim 21. Additionally, the remote control module is not a stand alone piece of software that requires pre-installation. Rather, the remote control module enables, at least, input-output communications without necessitating pre-installation of remote control software. Thus, a significant difference between remote control software and Applicant's claimed remote control module is the lack of an installation step. A remote control module is configured so that the "user need not install any software or directly supply any information about the user's computer system to the server through which application access is possible." (Specification at col. 6, lines 8-11). For example, in one of the embodiments disclosed in Applicant's Specification, this capability is enabled by providing a module "implemented in an interpretative language" such that it can be executed by an interpreter. (Specification at col. 5, lines 23-25). In this embodiment, the remote control mode is "implemented in the JAVA language" and "may be executed by the interpreter in [] [a] JAVA capable browser." (Specification at col. 5, lines 26-28). Of course, in addition to the interpretative language embodiment, other possible embodiments of a remote control module are within the scope of Applicant's claims, provided that the "user need not install any software or directly supply any information about the user's computer system to the server through which application access is possible." (Specification at col. 6, lines 8-11).

The User Guide clearly describes "remote control software" that must be pre-installed using an arduous and complex installation process that often requires a network administrator for installation. In fact, the User Guide has a chapter dedicated to "Installation and General Setup" (Chapter 2) and a separate chapter dedicated to "Starting a Remote Control Session" (Chapter 6). (See User Guide, Chapters 2 and 6). The installation process in Chapter 2, shown below, illustrates that pcANYWHERE is "remote control software" and not a "remote control module", as defined in the specification.

## Installing Norton pcANYWHERE on Network Workstations

After the administrator has installed Norton pcANYWHERE on the network server and has created the shared data files, users on the network can install pcANYWHERE on their local workstations.

A workstation installation should be performed at each individual PC that is running Norton pcANYWHERE from the network. This section explains how to perform workstation installations. Before beginning, be sure your network administrator has completed the network installation.



**Ask your network administrator:** Which network drive and directory (*netpathname*) contains the Norton pcANYWHERE program files?

### To run the local installation program:

- 1 Log on to the network.
- 2 Choose RUN... from the File menu of the Program Manager or the Norton Desktop main window.
- 3 Type *netpathname\INSTALL* in the Command Line text box.
- 4 Click OK .

(Replace *netpathname* with the network drive and directory that contains the Norton pcANYWHERE program files. Ask your network administrator for help if necessary.)

Or,

Log on to the network and type *netpathname\INSTALL* at the DOS prompt.

The User Guide does not anticipate Applicants claims 18 and 21-45 because it fails, among other reasons, to disclose Applicant's "remote control module," which enables remote control without pre-installation. Accordingly, Applicant respectfully requests withdrawal of the rejection and submits that claims 18 and 21-45 are in condition for confirmation.

### C. Claims 25, 33, 38, and 43 are in Condition for Confirmation

To advance the prosecution, Applicant has amended claims 25, 33, 38, and 43 to independent claim format reciting a computer storage medium containing computer executable instructions for performing the methods recited in corresponding method

claims, which were previously incorporated by reference in dependent claim format. Based on the discussion during the Interview, Applicant respectfully submits that claims 25, 33, 38, and 43 are in condition for confirmation. Each of these claims is directed toward a computer storage medium comprising computer executable instructions for performing the claimed methods. Accordingly, these claims require that the method steps are provided in computer executable instructions, which cannot be practiced by human-implemented steps, and preclude a network administrator from installing the remote control software between the recited steps. Applicant therefore submits that claims 25, 33, 38, and 43 satisfy the requirements for patentability and are in condition for confirmation.

Claims 25, 33, 38, and 43 have been amended solely to recite them in independent form to facilitate advancement to confirmation. These claims have identical scope to the claims prior to the present amendment, when the same subject matter was presented in dependent form.

**D. Claims 24, 27, 28, 32, 37 and 42 are in Condition for Confirmation**

Claim 28 recites a computer storage medium for performing the steps of a corresponding method claim, and claim 24, 27, 32, 37 and 42 recite a system operative to execute the steps of a corresponding method claim. Applicant submits that these claims are patentable and in condition for conformation for the same reason described above for claims 25, 33, 38, and 43. Whether these claims are presented in dependent or independent format should not affect the patentable weight of the claims.

**E. New Claims 80-83 are in Condition for Confirmation**

New Claims 80-83 have been added to further clarify certain features of the present invention. Specifically, claims 80 and 82 correspond to independent claims 21 and 31, but include a further limitation to further clarify that the remote control module is transmitted automatically. The Applicant respectfully submits that new claims 80-83 address the concerns of the Examiner stated in the interview.

Respectfully submitted,

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: **09/779,177**)  
Ex Parte Reexamination of: **RE38,598**)  
Filed: **March 4, 2008**)  
Title: **Method and System For On Demand  
Downloading of Module to Enable  
Remote Control of an Application  
Over a Network**)  
Control No.: **90/010,092**)  
Art Unit: **3992**)  
Confirmation No. **6314**)  
Examiner: **Woo H. Choi**)

**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a copy of the preceding document was filed in the above-captioned Ex Parte Reexamination and served by United States First Class Mail with adequate postage on the Third Party Requester at the following address shown on the Ex Parte Reexamination Communication Transmittal Form:

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On the following date: March 3, 2009

Respectfully submitted,  
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